

UNITED STATES DISTRICT COURT

for the

Western District of New York



Division

Dorethea Franklin

Case No.

24 CV - 761 LJV

(to be filled in by the Clerk's Office)



Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Francine Johnson & City of Buffalo Parking Tickets
Department

City of Buffalo Police Department
District D+E Officer William A. Miller Jr

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Dorethea Franklin		
Address	49 Easton Ave		
	Buffalo	NY	14215
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Erie		
Telephone Number	716-717-6155		
E-Mail Address	Dvkittens@aol.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Francine Johnson		
Job or Title (if known)	Customer Service Rep		
Address	475 Eggert Rd		
	buffalo	ny	14215
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Erie		
Telephone Number	716-348-6789		
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name	Raymond Wagner City of Buffalo Parking Tickets Department		
Job or Title (if known)	Director		
Address	65 Niagara St		
	Buffalo	ny	14202
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Erie		
Telephone Number			
E-Mail Address (if known)			

☐ Individual capacity ☒ Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)**Defendant No. 3**

Name Supervisors- City of Buffalo Parking Tickets Department

Job or Title (if known) Supervisors of Customer Service Reps

Address 65 Niagara St

Buffalo ny 14202

City State Zip Code

County erie

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name City of Buffalo Police Department

Job or Title (if known) William A Miller

Address _____

Buffalo ny 14215

City State Zip Code

County Erie

Telephone Number _____

E-Mail Address (if known) _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? Civil Rights-Section 1983 protects an individual against a violation of civil rights freedom from excessive force (like an unnecessary arrest), freedom from improper search or seizure (like a search conducted with no search warrant)2. Color of State Law This means that the person who violated your rights must have been acting with the power of the government or “under color of state law.” Courts say that means the violator had some sort of authority from state law.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
City Hall of Buffalo, NY 65 Niagara St Buffalo, NY 14202
Buffalo Public School #95 Waterfront Elementary
Traveling throughout the City of Buffalo NY
Buffalo Police Station B District Officers/ Detectives
- B. What date and approximate time did the events giving rise to your claim(s) occur?
March 12, 2023- True Bethel Church 472 Swan st buffalo, NY- May 2, 2023 65 Niagara st buffalo ny
April 11, 2023 City Hall 65 Niagara st buffalo ny 14202- May 17, 2023
April 24, 2023 65 Niagara st buffalo, ny 14202
April 26, 2023
May 1, 2023 65 Niagara St
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

From the months of March 2023- January 2024 I endured hardship due to false police reports being made against me for Harassment. I Gained unnecessary, unlawfully, lawyer fees due to the false reporting of crimes. Ms Johnson used my personal information to annoy, harm, harass, and she tried to barr me from accessing a public building in which she works City Hall. While this information was obtained by Francine Johnson she began recording me throughout the City of Buffalo and submitting this information to the buffalo police department. Once she had the ability to access my information from the employment at City Hall Traffic Tickets Enforcement Department she was riding past the home where my vehicles were parked and my children live. This was an Deliberate violation of my privacy.

Once Ms. Johnson started her act of intrusion on seclusion she was determined to humiliate me by spreading false rumors to her coworkers. and the buffalo police department. This behavior triggered her supervisors and commissioner to ignore my requests for an investigation into the access of my information (no tickets at the time of her searching my information). I also requested a FOIL from City Hall they failed to answer my request but encouraged , supported and gave advice for Ms. Johnson to file multiple police reports on me. These acts caused continuous, anguish distress, fear for me and my children.

I could not get the proper customer assistance from this department in City Hall. The entire staff stalked, stared, whispered in groups and surrounded me and my daughter as we tried to handle our business. The entire department made sure that I felt uncomfortable with unresolved issues and shared information of my transactions with Ms. Johnson. She never serviced me so my business should not have been shared with her.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

For each violations of my civil rights, trauma, hardship I am asking for relief of 4.5 million dollars.

City hall Parking Tickets Department Commissioner/ Supervisors violated 4 times

Buffalo Police violated 12 times

Francine Johnson violated over 20 times

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 8/15/2024

Signature of Plaintiff

Printed Name of Plaintiff

Dorethea Franklin

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

B. What date and approximate time did the events giving rise to your claim(s) occur?

March 12, 2023 at 18:09 True Bethel Church 472 Swan st buffalo, NY-

On March 27, 2023 Case Dismissed

April 11, 2023 City Hall 65 Niagara st buffalo ny 14202-

April 26, 2023

April 24, 2023 65 Niagara st buffalo, ny 14202

May 1, 2023 65 Niagara St

May 2, 2023 65 Niagara st buffalo ny

May 17, 2023 65 Niagara st buffalo, ny 14202

On May 18, 2023 Case Dismissed

May 23, 2024 65 Niagara St buffalo ny 14202

May 31, 2023 475 Eggert road buffalo, ny 14215

June 2, 2023 complaint made against Francine Johnson to her supervisor (Supervisor demanded letter in writing to conduct investigation)

August 16, 2023 Letter sent to supervisor requesting investigation into Francine Johnson for violating Privacy Act

C. What are the facts underlying your claim(s)?

The underlying claim for this civil violation is as follows: For Francine Johnson making False Police reports, Privacy Harassment, Fear, Intimidation, Financial extortion, Making false reports for someone else in an effort to harass ,annoy, Violation of Privacy Act of 1974, Breach of Confidentiality. On July 18, 2023 Francine Johnson was Cyber stalking me on the I am Legend radio show. When my cases were dismissed Francine Johnson made up more allegations (false reports) to harass me. She abused the system, manipulated her co-workers, lied to her employer in order to make her look like she was the victim of harassment. Instead of her employer doing their job by conducting the requested investigation and FOIL request they choose to assist Ms Johnson in harassing me and my children along with the Buffalo police department.

For Commissioner / Supervisors Failure to conduct investigation for Breach of Confidential information & Privacy Act Violation. Encouraging Francine Johnson employee(s) to use Private information to harass, annoy, cause trauma, alarm, harm to her life and children's lives. Commissioner/ Supervisor wrote fabricated letters for Francine Johnson to submit for court proceedings in relation to Policies/ Procedures of The Parking/ Ticket Enforcement Department. Instead of her employer (City Hall Parking/ Ticket Department doing their job by conducting the requested investigation into the Privacy of my information and FOIL request they choose to assist Ms Johnson in Privacy harassment and violation of the Privacy act against me and my children along with the Buffalo police department.

City of Buffalo Police Department Officer William A. Miller conducted a fictitious investigation in which he assisted Ms. Johnson with Harassing, Annoying , endangering my safety and the safety of my daughter in the car. Officer William A Miller threatened my freedom and interrogated violating 4th, 5th and 14th Amendment . Officer Miller stated he was talking to Ms. Johnson on the phone while he was threatening to take me to jail.

(For example: What happened to you? Who did what?

Was anyone else involved? Who else saw what happened?

Francine Johnson recruited her co-workers, Supervisors, Commissioner, buffalo police, Erie County DA to believe a LIE, False Narrative she created in her head. Francine Johnson would record me and my young children under the age of 16 years old as they left school. Francine Johnson had knowledge of the school they attended School #95 Waterfront elementary school. This school has been located behind City Hall for decades. My children started attending this school at the age of 5 years old. Longer than Ms. Johnson has been employed at City Hall. They were always picked up and dropped off at school. My children were afraid, fearful, traumatized. They thought Ms. Johnson was going to do harm to them.

On 1/11/2023 at 12:07am Francine Johnson rode past my children's home where my vehicles are parked and saw her boyfriend's vehicle. She created a video about sucking and fucking. After the video she copied down the license plates to my vehicles. The following day when she went to work she looked up my information (illegally) I had no tickets at the time. She violated my privacy.

This was the beginning of a long drawn out court battle with the City of Buffalo / Francine Johnson and myself.

On March 12, 2023 Francine Johnson began to create false police reports in which she had one of her friends of the Buffalo Police Department give chase to me. As I was taking my daughter to work. *I was pulled over without probable cause, accused and questioned about following Ms Johnson. Officer William Miller did not follow procedures and violated my civil rights. I was threatened with incarceration if I didn't identify myself or answer his questions. My constitutional rights were violated 4th, 5th, 6th and 14th amendments. Officer William A Miller jr also decided during that illegal stop he would issue me tickets on my vehicle that had nothing to do with the high speed chase he conducted. In the video he states Ms. Johnson was on his phone. After the threats of incarceration I was issued a summons to go to Buffalo City Court on*

On May 1, 2023 at 18:00 Francine Johnson made a false police report

On August 5, 2023 at 11:05 Francine Johnson made a false police report about the investigation I was told (by supervisor of tickets department) to send a formal letter requesting

the Parking / Tickets Department to conduct because my information was used to harrass me and create false police reports

On August 15, 2023 Francine Johnson made a false police report for Vincent Laster/ Francine Johnson's boyfriend at 17:21

On August 16, 2023 at 10:54 Francine Johnson made a false report

On September 1, 2023

On October 18,2023

On December 14, 2023, Ms Johnson filed Criminal Contempt 2nd degree charges. She filed these false charges the day before her order of protection expired.

On January 4, 2024 I was given an ACD and the case has been expunged.

Page 4 of 6 Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non—Prisoner) IV.
Injuries If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive

Trauma for me and my children, Financial Hardship, Destroyed my reputation in the community, My Transportation Business took a hard hit financially! Never recovered.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Dorethea Franklin

(b) County of Residence of First Listed Plaintiff Erie
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Francine E Johnson, City of Buffalo Parking Enforcement
Dent (Raymond Wagner) City of Buffalo Police Dent
County of Residence of First Listed Defendant Erie

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input checked="" type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input checked="" type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

5 U.S.C. § 552a(i)(2), USC code 242 of Title 18, 15 U.S. Code § 1692d, 1) Federal False Claims Act (31 USC §§3729-3733)II. Social Services Law.

Brief description of cause:

Violation of Privacy act of 1974, Civil Rights Violations from multiple Agencies from the City of Buffalo Parking Dept and Police Department

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/15/2024 *Dorethea Franklin*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE